

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JESSE THOMAS FULLER,

Petitioner,

v.

JASON BENNETT, Superintendent,
Stafford Creek Corrections Center,

Respondent.

CASE NO. 2:24-cv-00983-TL-TLF

ORDER ON MOTIONS FOR RELIEF
FROM JUDGMENT

This matter is before the Court on Petitioner Jesse Thomas Fuller's Motions for Relief from Judgment. Dkt. Nos. 10, 16. Petitioner moves the Court under Federal Rule of Civil Procedure 60(b)(4) to vacate the judgment entered in this matter. *See id.*

However, on September 20, 2024, Petitioner filed a notice of appeal with the Ninth Circuit, appealing the judgment. Dkt. No. 9. The notice was filed before his first motion (filed the same day, September 20) and weeks before his second motion (filed October 30). "Once a notice of appeal is filed, the district court is divested of jurisdiction over the matters being appealed." *Nat. Res. Def. Council, Inc. v. Sw. Marine Inc.*, 242 F.3d 1163, 1166 (9th Cir. 2001).

1 The Court retains only limited jurisdiction to maintain the status quo pending the appeal. *See id.*
2 The relief Plaintiff seeks through his motions is also the subject of his appeal and is beyond the
3 Court's limited jurisdiction to maintain the status quo.

4 Accordingly, Petitioner's motions (Dkt. Nos. 10, 16) are STRICKEN, as the Court does not
5 have jurisdiction to rule on the motions.

6 Dated this 15th day of November 2024.

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8 _____
9 Tana Lin
United States District Judge